

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

LUIS LOPEZ

PLAINTIFF

v.

Case No. 1:19-cv-1040

TREXIS INSURANCE CORPORATION

DEFENDANT

**ORDER**

Before the Court is Plaintiff Luis Lopez's Notice of Voluntary Dismissal. (ECF No. 6). The Court finds that no response is necessary and that the matter is ripe for consideration.

On August 26, 2019, Plaintiff filed this case in the Circuit Court of Union County, Arkansas. On September 25, 2019, Defendant Trexis Insurance Corporation removed the case to this Court. On September 26, 2019, Plaintiff filed the instant notice, stating that he voluntarily dismisses this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

A plaintiff "may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). "The right of a plaintiff to file a Rule 41(a)(1)(A)(i) notice applies to removed actions." *Monroe v. Roedder*, 253 F.R.D. 466, 467 (E.D. Mo. 2008) (citing *State ex rel. Nixon v. Coeur D'Alene Tribe*, 164 F.3d 1102, 1105 (8th Cir. 1999)).

Defendant has not filed an answer or a summary judgment motion, so Plaintiff is entitled to dismiss his case pursuant to Rule 41(a)(1)(A)(i). Accordingly, Plaintiff's claims are hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED**, this 3rd day of October, 2019.

/s/ Susan O. Hickey  
Susan O. Hickey  
Chief United States District Judge